

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF COLUMBIA

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AMERICAN CIVIL LIBERTIES UNION, *et al.*,

Plaintiffs,

v.

FEDERAL BUREAU OF INVESTIGATION,  
UNITED STATES DEPARTMENT OF JUSTICE,

Defendants.

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) Civ. A. No. 1:05-CV-1004 (ESH)  
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) Judge Ellen S. Huvelle  
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**DEFENDANTS' MOTION FOR PARTIAL SUMMARY JUDGMENT**

Pursuant to Rule 56(b) of the Federal Rules of Civil Procedure, Defendants, by and through their undersigned counsel, hereby move for partial summary judgment with respect to Plaintiffs' claim for expedited processing under the Freedom of Information Act ("FOIA), 5 U.S.C. § 552. See Complaint ¶¶ 12-30; 36. The grounds for this motion are that Plaintiffs have not satisfied the statutory and regulatory requirements for expedited processing under the FOIA and Defendants are entitled to judgment as a matter of law on this claim. The grounds for this motion are set forth further in Defendants' accompanying Memorandum of Points and Authorities; the Declaration of David M. Hardy (and exhibits thereto); the Declaration of Anthony J. Coppelino (and exhibits thereto); and Defendants' Statement of Material Facts as to Which There is No Genuine Issue. A proposed order is submitted herewith.

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Dated: July 5, 2005

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Civ. A. No. 1:05-CV-1004 (ESH)

Judge Ellen S. Huvelle

[PROPOSED] ORDER

Upon consideration of Defendants' Motion for Partial Summary Judgment with respect to Plaintiffs' claim for expedited processing under the Freedom of Information Act (FOIA), 5 U.S.C. § 552, the record of this case, and good cause appearing, it is

HEREBY ORDERED THAT Defendants' Motion for Partial Summary Judgement shall be and here is GRANTED; and it is

FURTHER ORDERED THAT Plaintiffs' Motion for a Preliminary Injunction is DENIED; and it is

FURTHER ORDERED THAT judgment shall be and hereby is entered for the Defendants and against the Plaintiffs denying Plaintiffs' claim for expedited processing under the FOIA in this action.

SO ORDERED:

Date: \_\_\_\_\_

United States District Judge

CERTIFICATE OF SERVICE

I hereby certify that on July 5, 2005, the foregoing *Defendants' Motion for Partial Summary Judgment* was filed electronically and served by means of the Court's ECF notice system. See Local Rule 5.4(d)(1). If otherwise necessary, the foregoing will also be served directly by electronic mail and first-class mail, postage pre-paid, on:

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